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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,361

02/23/2004

Thomas A. Gault

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8847

7590

11/02/2006

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EXAMINER

WEISKOPF, MARIE

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/784,361	Applicant(s) GAULT ET AL.	
	Examiner Marie A. Weiskopf	Art Unit 3661	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21,23,24,29,31,32 and 35-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21,23,24,29,31,32 and 35-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 21, 23-24, 29, 31-32, 35-37, and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefan et al (US 2005/0090941).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

- In regard to claims 1 and 29, Stefan et al discloses a method and a computer readable medium for storing a computer program for providing technical services to a telematics device, the method and medium comprising:
  - Selecting, at a service center configured to facilitate communications to and from the telematics device, a technical service action for at least one telematics device (Paragraph 41)

Art Unit: 3661

- Associating, at the service center, the selected technical service action with a unique identification code assigned to a respective telematics device (Paragraph 41)
- Storing the associated technical service action in a technical services database (Paragraph 41)
- Receiving at the service center a request for technical services from the telematics device, the request for technical services including an associated unique identification code (Paragraph 40)
- Comparing the assigned unique identification code to the associated unique identification code (Paragraph 41)
- Providing the technical service action from the service center to the respective telematics device if the assigned unique identification code matches the associated unique identification code matches the associated unique identification code (Paragraph 46)
- In regard to claims 23 and 31, further comprising generating the request for technical services at the telematics device (Paragraph 40)
- In regard to claims 24 and 32, wherein generating the request for technical service comprises activating a user interface, receiving a command at the user interface to initiate the request for technical services and initiating a technical services communication protocol sequences based on the received command (Paragraph 33)

- In regard to claims 35 and 40, further comprising notifying a user of the stored associated technical service action (Paragraph 40)
- In regard to claims 36 and 39, wherein prior to notifying the user, the method further includes generating a notification of the stored associated technical service action (Paragraph 33)
- In regard to claims 37 and 41, wherein each of the assigned unique identification code and the associated unique identification code is selected from a vehicle identification number, a vehicle system electronic serial number, a telematics unit electronics serial number, and combinations thereof. (Paragraph 36)

***Claim Rejections - 35 USC § 103***

3. Claims 38 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stefan et al (US 2005/0090941). Stefan et al fails to specifically disclose wherein the technical services are selected from system identifier table updates, telematics device reconfigurations, mobile configurations, programming error corrections, phone number configurations and combinations thereof, however, Stefan et al does disclose updating the software components of the telematics device (Paragraph 37). It would have been obvious to one having ordinary skill in the art at the time of the invention to include updates that have to do with the vehicle as long as updates with the telematics device to the telematics device in order to make sure all components of the system are working.

***Response to Arguments***

4. Applicant's arguments with respect to claims 21 and 29 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MW

  
THOMAS BLACK  
SUPERVISORY PATENT EXAMINER